

REMARKS

Favorable reconsideration of this application is respectfully requested.

Applicants initially note the presently submitted amendments correct minor informalities in the claims that would not preclude entry of the present amendment subsequent to the outstanding Final rejection. Particularly, the claim amendments correct a minor typographical error in claim 1 and amend claim 5 to now recite “a title” to address the outstanding rejections thereto under 35 U.S.C. §112, second paragraph. Applicants also note that rejection of claim 5 under 35 U.S.C. §112, second paragraph is a new grounds for rejection that was not necessitated by applicants’ amendment. Previously pending claim 5 recited “the title”, which the outstanding Office Action only now indicates is indefinite. Thereby, the outstanding Office Action includes a new grounds for rejection that were not necessitated by applicants’ amendment, which applicants submit is improper in a Final Office Action. Therefore, applicants submit Finality of the previous Office Action should properly be withdrawn and the presently submitted amendment should be entered.

Claims 1-12 are pending in this application. As noted above claim 5 was rejected under 35 U.S.C. §112, second paragraph, and the presently submitted amendments to claim 5 are believed to address that rejection. Claims 1-12 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. 5,805,699 to Akiyama et al. (herein “Akiyama”) in view of U.S. 2004/0064380 to Hiratsuka. That rejection is traversed as now discussed.

Applicants submit that grounds for rejection is not properly considering all of the claimed features. Specifically, the claims recite a controller or operation to acquire medium identifying information specific to and characterizing a recorded-contents-carrying ***original recording medium***. The Office Action does not appear to be properly considering that such a feature is directed to acquiring information of an ***original recording medium itself***, and ***not*** of contents on the media. Further, the claims recite acquiring apparatus identifying

information specific to and identifying a *contents copying apparatus* itself. That feature is directed to information of the apparatus that performs a copying operation, and not information of a medium.

In further detail, independent claims 1 and 11 recite:

a controller configured to acquire medium identifying information specific to and characterizing a recorded-contents-carrying *original recording medium*;

the controller further configured to acquire apparatus identifying information specific to and indicating said *contents copying apparatus itself*; [Emphasis added].

Independent claim 9 recites:

a transmission/reception section that receives medium identifying information specific to and characterizing a recorded-contents-carrying *original recording medium* and apparatus identifying information specific to and indicating a *contents copying apparatus itself* from said contents copying apparatus as copying-related combination information at the time of copying said contents by a network; [Emphasis added].

Independent claim 10 recites:

a copying-related combination information receiving operation receiving medium identifying information specific to and characterizing a recorded-contents-carrying *original recording medium* and apparatus identifying information specific to and indicating a *contents copying apparatus itself* from said contents copying apparatus as copying-related combination information at the time of copying said contents by a network; [Emphasis added].

Independent claim 12 recites:

a medium identifying information acquiring operation acquiring medium identifying information specific to and characterizing a recorded-contents-carrying *original recording medium*;

an apparatus identifying information acquiring operation acquiring apparatus identifying information specific to and indicating said *contents copying apparatus itself*; [Emphasis added].

The above-noted features are directed to acquiring information that characterizes an *original recording medium*. Such a medium is for example a DVD or CD. The claims also recite acquiring information identifying a *contents copying apparatus itself*, and such device is an apparatus that performs copying, such as a DVD or CD recorder. Applicants submit the applied art does not disclose or suggest such features.

With respect to the above-noted claimed features the outstanding Office Action cites Akiyama, specifically stating:

- a. a controller configured to acquire medium identifying (“software identifier SIDI”, Fig. 2 step S1) information specific to and characterizing a recorded-contents-carrying an original recording medium.
- b. the controller further configured to acquire apparatus identifying information (“Storage medium identifier IDk”, Fig. 2, step S1) specific to and indicating said contents copying apparatus itself.¹

Applicants submit the above-noted grounds for rejection is misconstruing the disclosures in Akiyama relative to the claims.

First, the above-noted grounds for the rejection indicate the software identifier SIDI in Akiyama provides information identifying an original recording medium. Applicants submit that is clearly *not* the case. Akiyama discloses the software identifier SIDI is directed to a software program which is to be copied, see Akiyama at column 3, lines 45-46 and at column 4, lines 53-56. That identifier SIDI in Akiyama does *not identify a recording medium itself*, but instead software that is to be recorded. Thereby, that grounds for the rejection is misconstruing the disclosure in Akiyama relative to the above-noted claim features.

Further, with respect to acquiring an apparatus identifying information specific to and indicating the contents copying apparatus itself, the outstanding Office Action cites the storage medium identifier IDk, as noted above. However, applicants note such a storage

¹ Office Action of March 24, 2010, middle of page 3.

medium identifier IDk in Akiyama identifies the storage medium, for example a MO disk, see Akiyama as clearly indicated at column 4, lines 48-56. That storage medium identifier IDk in Akiyama does **not** identify the contents copying apparatus itself; that is, the identifier IDk does not identify an apparatus that performs an actual copying operation, such as a DVD or CD recorder. Instead, as explicitly indicated in Akiyama, the storage medium identifier IDk identifies a storage medium. In that respect the outstanding Office Action is also misconstruing the cited disclosure in Akiyama relative to the above-noted claim features.

In view of these comments applicants submit Akiyama does not disclose or suggest the above-noted features recited in each of the independent claims of acquiring “a medium identifying information specific to and characterizing a recorded-contents-carrying ***original recording medium***” (emphasis added) or acquiring “apparatus identifying information specific to and indicating said ***contents copying apparatus itself***” (emphasis added). Thereby, the claims as currently written positively recite features neither taught nor suggested by Akiyama.

Moreover, no disclosures in Hiratsuka were cited with respect to the above-noted features, and the disclosures in Hiratsuka are not believed to cure the above-noted deficiencies in Akiyama.

As no other issues are pending in this application, it is respectfully submitted this application is in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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